

REMARKS

Claim Changes

Claims 1 and 6 are amended to recite “selecting, at the device associated with a user, a particular channel among a plurality of channels,” and claims 10 and 15 are amended to recite “a processor, at the device associated with the user.” Similarly, claims 19 and 20 are amended to recite “a processor configured to determine...a particular channel, selected by the remote device associated with a user.” These changes are based on description on page 30, lines 11-13, page 14, lines 8-13, page 13, lines 16-19 of the specification as filed. Thus, no new matter is added.

No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment is made for the purpose of narrowing the scope of any claim, unless Applicant had argued herein that such amendment is made to distinguish over a particular reference or combination of references. Any remarks made herein with respect to a given claim or amendment is intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicant's invention.

Rejection of claims 1-20 under 35 U.S.C. § 102(e) as being anticipated by US 6,912,398 (Domnitz).

Applicant has amended the claims 1, 6, 10, 15, 19, and 20 to clarify the invention. Applicant therefore respectfully requests reconsideration of the rejection of claims 1-20 under 35 U.S.C. § 102(e) as being anticipated by Domnitz.

Applicant respectfully submits that Domnitz does not anticipate, either expressly or inherently, each and every element as set forth in independent claims 1, 6, 10, 15, 19, and 20. For example, independent claim 1, as amended, recites “selecting, at the device associated with a user, a particular channel among a plurality of channels” which is not anticipated either expressly or inherently, in Domnitz.

Domnitz discloses that a system associated with an advertising entity receives individual's identity and location information from a device associated with an individual. The system then selects advertisement information related to the location or time of the device, and sends the advertisement information to the device associated with the individual. See col. 4, lines 47-54 of Domnitz. Thus, in Domnitz, the information is selected, at the system/server associated with the advertising entity/system, based on the time and location of the device associated with the individual. In contrast, Applicant's amended claim recites “selecting, at the wireless communication device associated with a user, a particular channel among a plurality of channels associated with a dynamic container of the device.”

Regarding independent claims 6, 10, and 15, Applicant respectfully submits that the above discussed arguments apply equally to the limitations of claims 6, 10, and 15. Applicant therefore respectfully requests withdrawal of the rejection of claims 6, 10, and 15 under 35 U.S.C 102(e).

Regarding independent claims 19 and 20, Domnitz discloses that the advertising system stores the information related to when a converter box is tuned to, and uses such stored information to send advertisements on the channel to the user. However, Domnitz makes no mention of a particular channel selected by the device associated with the user. In contrast, Applicant's amended claim recites “a processor configured to determine...a particular channel, selected by the remote device associated with a user among a plurality of channels.” Applicant therefore respectfully requests withdrawal of the rejection of claims 19 and 20 under 35 U.S.C 102(e).

Dependent claims 2-5, 7-9, 11-14 and 16-18 depend on claims 1, 6, 10 and 15 and thus the dependent claims 2-5, 7-9, 11-14 and 16-18 are also not anticipated by Domnitz. Reconsideration and withdrawal of the rejection of claims 1-20 under 35 U.S.C. § 102(e) as being anticipated by Domnitz is respectfully requested.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

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